

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

AIRCRAFT FUELING SYSTEMS, INC.,

Plaintiff,

vs.

SOUTHWEST AIRLINES CO.,

Defendants.

Case No.08-CV-414-GKF-FHM

OPINION AND ORDER

The undersigned United States Magistrate Judge is in receipt of a letter from Plaintiff's attorney in which Plaintiff requests a hearing or conference for the purpose of making a request that the undersigned recuse from the case. Defendant has sent a response letter.¹

There is no provision in the Federal Rules of Civil Procedure for requesting action from the court by way of letter. A request for a court order must be made by motion. Fed. R. Civ. P. 7(b)(1). 28 U.S.C. § 144 sets forth the procedure for seeking disqualification of a judge from a case on the basis of bias or prejudice. The letter tendered by Plaintiff does not meet the criteria for consideration under 28 U.S.C. § 144. 28 U.S.C. § 455 sets forth additional grounds for disqualification of a justice, judge, or magistrate judge. Because Plaintiff's attorney's letter is not a motion under Rule 7(b)(1) and does not comply with 28 U.S.C. § 144, no action will be taken on Plaintiff's letter requesting a hearing or conference.

SO ORDERED this 21st day of November, 2011.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE

¹ The letter and response are attached as exhibits to this Opinion and Order.